

FILED

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
WAKE COUNTY 2014 DEC 12 PM 1:24 SUPERIOR COURT DIVISION
FILE NO.: 14 CVS 16042

THE NORTH CAROLINA STATE BAR, C.S.C.

BY *E. Wills*
Petitioner

v.

ORDER OF
PRELIMINARY INJUNCTION

CLINTON ORVILLE LIGHT, Attorney,

Respondent

THIS MATTER came on for hearing by the undersigned Judge of the Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar ("State Bar"). Petitioner was represented by Leanor Bailey Hodge. Respondent, Clinton Orville Light, appeared *pro se*. Based upon the evidence presented at the hearing, the Court makes the following:

FINDINGS OF FACT

1. Respondent, Clinton Orville Light ("Light"), was licensed to practice law in North Carolina in 1960.
2. Light practices law in Eden, North Carolina. The State Bar's membership database shows the following address for Light: 407 S. Van Buren Road, Ste. CD, Eden, NC 27288.
3. Light maintains a trust account at Wells Fargo Bank ending in no. 8085 (hereafter "Wells Fargo trust account").
4. Light also maintains a trust account at BB&T Bank ending in no. 1535 (hereafter "BB&T trust account").
5. According to NC State Bar IOLTA records, the BB&T trust account was opened in or about December 2013.
6. Light served as the attorney for the estate of Lynn Wooding Yeattes (hereafter "LW Yeattes Estate") from April 2009 through February 2012.
7. According to State Bar records, Light maintained only the Wells Fargo trust account during his representation of the LW Yeattes Estate.
8. Light collected \$44,500 in connection with his representation of the LW Yeattes Estate as payment of purported attorney's fees.

9. According to Light's sworn deposition testimony, he did not deposit any portion of the funds he collected in connection with this representation into his attorney trust account.

10. Upon information and belief, no one acting on behalf of the LW Yeattes Estate made any payments to Light after April 2011.

11. In or about March 2012, before 23 March 2012, the administrator for the LW Yeattes Estate terminated Light's representation of the LW Yeattes Estate.

12. When Light turned over the LW Yeattes Estate file to successor counsel for the LW Yeattes Estate, Darren McDonough, the file contained an un-negotiated \$300.00 check to the "Clerk of Superior Court for Rockingham County" drawn on Light's Wells Fargo trust account, Wachovia check no. 1712 dated 23 March 2012 (Wachovia was Wells Fargo's predecessor in interest).

13. Check no. 1712 was contained in an envelope which had written on it, in Light's handwriting, Light's explanation of the source and purpose of the check.

14. According to Light's notations, James Yeattes had given Light \$300 to use toward the balance of estate costs.

15. McDonough found the envelope containing check no. 1712 in the LW Yeattes Estate client file and inquired of Light about it because McDonough could not find a bill for costs in the amount of the check.

16. In response to Mr. McDonough's inquiry, on or about 29 July 2013, Light sent Mr. McDonough Wachovia check no. 1795 drawn on Light's Wells Fargo trust account made payable to "Estates Lynn Wooding Yeattes" for \$300.00 under cover of letter which stated that check no. 1795 was a replacement for check no. 1712 which Light contended had gone "stale."

17. Upon information and belief, Light did not hold any funds in trust for the Yeattes Estate when he wrote check nos. 1712 and 1795.

18. Mr. McDonough forwarded copies of both checks to the State Bar on or about 29 September 2014.

19. On or about 26 September 2014, Light sent check no. 1006 drawn on BB&T trust account made payable to "Estate of Lynn Yeatts [sic]" for \$300.00 to Mr. McDonough.

20. Upon information and belief, Light did not hold any funds in trust for the LW Yeattes Estate when he wrote check no. 1006.

21. Mr. McDonough forwarded a copy of check no. 1006 to the State Bar on or about 30 September 2014.

22. The State Bar has sought to obtain bank records from Light that would confirm whether he received and maintained \$300 in trust on behalf of the LW Yeattes Estate.

23. To date, Light has not produced the requested records.

24. The State Bar's currently pending disciplinary case against Light includes allegations that Light failed to deposit and maintain in his trust account a \$299.00 bankruptcy filing fee payment made to him by his former clients, the Sandes.

25. Since filing the petition for preliminary injunction, the State Bar's investigator has learned that in December 2013 Light attempted to deposit a check that was altered to change the name on the "paid to" line from a business unrelated to Light to Attorney C. Orville Light.

26. A need for prompt action exists to ensure that additional funds entrusted to Light are not mishandled.

BASED UPON THE FOREGOING FINDINGS, the Court makes the following Conclusions of Law:

1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar completes its investigation of Light's misconduct and to ensure that no further client funds are mishandled.

2. This Court has personal jurisdiction over Light and jurisdiction over the subject matter. This matter is properly before the Wake County Superior Court pursuant to N.C. Gen. Stat. 84-28(f).

3. Light should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against or withdrawing funds from any account in which client or fiduciary funds have been deposited, and from directing any employee or agent over whom Light exercises control to withdraw funds from and/or draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this Court pursuant to further order from this Court.

4. To assist the State Bar's analysis of his account(s), Light should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited and with all client files requested by the State Bar as set forth below.

5. To assist the State Bar's analysis of his account(s), Light should provide the State Bar with the reconciliation reports required to be prepared and maintained pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct.

6. Light should be prohibited from serving as a trustee, attorney-in-fact, executor, personal representative or in any other fiduciary capacity.

THEREFORE, IT IS HEREBY ORDERED:

1. Clinton Orville Light is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent over whom Light exercises control to withdraw funds from and/or to draw any checks on or otherwise disburse or withdraw funds from any account in which client or fiduciary funds have been deposited, until and unless expressly permitted to do so by subsequent orders of this Court.

2. Light, or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited, shall immediately produce to the State Bar at its offices in Raleigh, North Carolina for inspection and copying all of Light's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, identification of deposited items, credit card payment receipts, client ledger cards, check stubs, deposited items and debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds, as requested by the State Bar.

3. Light, or any other person having custody or control over records relating to individuals for whom Light has provided legal services, shall produce to the State Bar at its offices in Raleigh, North Carolina, for inspection and copying, all records and documents including but not limited to, client files, billing statements, memoranda and receipts. Current client files shall be produced within 24 hours of demand by the State Bar and closed client files shall be produced within 3 days of demand by the State Bar.

4. If Light does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Rules of Professional Conduct, he shall immediately direct the bank(s) where his account(s) are maintained, to copy and transmit within 10 days of the date of this order any such missing records directly to the State Bar at its offices in Raleigh, North Carolina, at Light's expense.

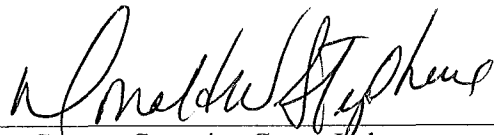
5. Light shall immediately produce to the State Bar at its offices in Raleigh, North Carolina the monthly and quarterly reconciliation reports for any and all trust accounts that he is required to produce and maintain pursuant to Rule 1.15-3(d) of the Rules of Professional Conduct. If Light has not prepared such reports as required, Light is hereby ordered to conduct the monthly and quarterly reconciliations required by Rule

1.15-3(d) of the Rules of Professional Conduct for the time period required under the Rules of Professional Conduct, or a lesser period if so specified by the State Bar, and produce the reports to the State Bar within two weeks of the date of this order or by the deadline set by the State Bar, whichever is later.

6. Light is hereby enjoined from serving as an attorney-in-fact, trustee, executor, personal representative or in any other fiduciary capacity.

7. This Order of Preliminary Injunction shall remain in effect until further order of this Court.

THIS the 18 day of December, 2014.

A handwritten signature in cursive script, appearing to read "Matthew Stephens", written over a horizontal line.

Wake County Superior Court Judge
Presiding